

Matter No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
 Günther SCHMID, et al. ) Before the Examiner  
 Serial No. 10/523,081 )  
 Filed February 2, 2005 )  
 Metal Cluster Nano-Compounds ) Group Art Unit  
 For Treating Tumor Diseases ) July 28, 2005

I hereby certify that this correspondence is being  
 mailed via Express Mail to the United States  
 Patent and Trademark on

on  
 July 28, 2005

(Date of Deposit)

James M. Durlacher

Name of Registered Representative

*James M. Durlacher*  
 Signature

July 28, 2005

Date of Signature

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. §371

**Mail Stop PCT**

Commissioner for Patents  
 P. O. Box 1450  
 Arlington, VA 22313-1450  
 Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. §371

which has been received for the above application, Applicants submit herewith the  
 following documents:

1. The executed Declaration;
2. Power of Attorney to Prosecute Applications before the USPTO which has  
 been executed by an authorized agent of the Assignee;
3. A copy of the Assignment to Universitat Duisburg-Essen;
4. A copy of the Notice of Missing Requirements;
5. Fee transmittal form; and
6. Credit Card authorization form (PTO-2038).

08/02/2005 LLANDGRA 00000030 10523081

01 FC:2617

65.00 OP

The fee of \$65 reflecting the small entity surcharge for filing a declaration later than the filing date should be charged to the American Express Account number shown on the enclosed form. Additionally, please provide any extensions of time which are required and charge any additional fees which are due to Deposit Account No. 23-3030.

Respectfully submitted,

By James M. Durlacher  
James M. Durlacher, Reg. No. 28,840  
Woodard, Emhardt, Moriarty,  
McNett & Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

WEMMH/SB/21 (4/03)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/523.081	
	Filing Date	February 2, 2005	
	First Named Inventor	Günther SCHMID	
	Group Art Unit		
	Examiner Name	Not Yet Assigned	
Total Number of Pages in this Submission	11	Attorney Docket Number	8310-2

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached see PTO-2038 form  <input type="checkbox"/> Amendment Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Documents  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (copy only)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> To Convert a Provisional Application  <input checked="" type="checkbox"/> Power of Attorney  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure (please identify below)  <input checked="" type="checkbox"/> Return Receipt Postcard  <b>Response to Notification of Missing Requirements; Copy of Notice of Missing Requirements; Executed Declaration by the Inventors</b>
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	James M. Durlacher Woodard, Emhardt, Moriarty, McNett & Henry LLP	
Signature	<i>James M. Durlacher</i>	
Date	July 28, 2005	

Certificate of Mailing			
I hereby certify that this correspondence is being mailed via Express Mail No. EV 641072895 US to the United States Patent and Trademark Office, Commissioner for Patents, Box PCT, P. O. Box 1450, Alexandria, VA 22313-1450 on this date: <span style="float: right;">July 28, 2005</span>			
Typed or printed name	Sandra L. Stilz		
Signature	<i>Sandra L. Stilz</i>	Date	July 28, 2005

# FEE TRANSMITTAL FOR FY 2005

Effective 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act (H.R. 4818).

☒ Applicant claims small entity status. See 37 CFR 1.27  
(\$)**65.00**

## Complete if Known

Application Number	10/523,081
Filing Date	February 2, 2005
First Named Inventor	Günther SCHMID
Group Art Unit	
Examiner Name	Not Yet Assigned
Attorney Docket Number	8310-2

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None ☐ Other (please identify):

☐ Deposit Account: Deposit Account Number **23-3030** Deposit Account Name **Woodard, Emhardt, Moriarty, McNett & Henry LLP**

### See PTO 2038 Form

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments ☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION:

### 1. BASIC FILING, SEARCH AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	\$ 0
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### 2. EXCESS CLAIM FEES

#### Fee Description

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee	Fee Paid (\$)
* - 20 or HP = *	x 50	= (\$)	0			
(HP = highest number of total claims paid for, if greater than 20)						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
* - 3 or HP = *	x 200	= (\$)	0			
(HP = highest number of independent claims paid for, if greater than 3)						
				360		\$ 0

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50	= (round up to a whole number) x		0

4. OTHER FEE(S)  
Non-English Specification.  
Fee Paid (\$)  
0

Other: Late filing of oath or declaration \$65.00

## SUBMITTED BY:

Name (Print/Type):	James M. Durlacher	Registration No.: (Attorney/Agent)	28,840	Telephone:	(317) 634-3456
Signature:	<i>James M. Durlacher</i>			Date:	

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail No. EV 641072895 US in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 28, 2005

Name (Print/Type)	Sandra L. Stiltz	Date	July 28, 2005
Signature	<i>Sandra L. Stiltz</i>		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/523,081	FIRST NAMED APPLICANT Gunter Schmid	ATTY. DOCKET NO. 8310-2
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INTERNATIONAL APPLICATION NO. PCT/EP03/08475
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LA. FILING DATE 07/31/2003	PRIORITY DATE 08/02/2002
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Woodard Emhardt Moriarty McNett & Henry  
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RECEIVED

JUL 25 2005

Woodard, Emhardt, Moriarty,  
McNett & Henry LLP

CONFIRMATION NO. 8551

371 FORMALITIES LETTER



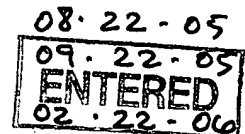
\*OC000000016585899\*

Date Mailed: 07/22/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/02/2005
- English Translation of the IA filed on 02/02/2005
- Preliminary Amendments filed on 02/02/2005
- Small Entity Statement filed on 02/02/2005
- Request for Immediate Examination filed on 02/02/2005
- U.S. Basic National Fees filed on 02/02/2005



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

**COPY**

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,081	PCT/EP03/08475	8310-2

FORM PCT/DO/EO/905 (371 Formalities Notice)

**COPY**